

### REMARKS

Claims 18-30 are pending in the application.

Claims 18-30 are rejected.

#### Rejection Under 35 U.S.C. §112, First Paragraph

Claims 18-30 have been rejected under 35 U.S.C. §112, First Paragraph. According to the Examiner, the values of the variable R in the claims, which are defined as independently a C<sub>1</sub>- to C<sub>8</sub>-alkyl group or a C<sub>2</sub>- to C<sub>6</sub>-alkenyl group, are not supported by the specification. The Examiner asserts that the values of R other than H constitute new matter in the instant claims.

The specification of the present application describes on page 4, lines 9-12 that "The compounds of formula (3) are obtainable by reacting a compound of the formula (2) with a compound of formula HC[B(OR)<sub>2</sub>]<sub>3</sub>, such as tris(ethylenedioxyboryl)methane; R may be an alkyl or alkenyl group as defined above." In the following paragraph (lines 14-20), further details of this reaction are provided, including citation to the reference D. Schummer, G. Höfle in *Tetrahedron* **1995**, 51, 11219 (Schummer article). The Schummer article is listed as Reference AH in the Information Disclosure Statement dated April 30, 2004. On page 11220 of this reference, the reaction scheme shows the reaction of a compound of formula HC[B(OR)<sub>2</sub>]<sub>3</sub> (compound 2) with BuLi to provide compound 3, which is subsequently reacted with an aldehyde or ketone to provide compound 4. Compound 4 is an example of a compound of claim 18 in which R is alkyl (for compound 6b, R, R' = -(CH<sub>2</sub>)-). As such, the compound of claim 18 (R is independently a C<sub>1</sub>- to C<sub>8</sub>-alkyl group or a C<sub>2</sub>- to C<sub>6</sub>-alkenyl group) is an intermediate in the formation of compound of formula 3 in the present application (R groups are hydrogen). Further, the specification states that "R may be an alkyl or alkenyl group as defined above", which refers to one of the earlier definitions of alkyl or alkenyl, such as the definitions employed for R<sup>1</sup> on page 2, lines 9-10.

The applicants respectfully assert that a person with ordinary skill in the art at the time the application was filed would understand that the compound of claim 18 is an intermediate in the disclosed preparation of the compound of formula 3, and thus is inherently supported in the description provided in the specification. Further support is provided in the specification by reference to the Schummer article, which provides explicit support for the compounds of claims 18, in particular, an exemplary compound in which R is alkyl. As such, the applicants contend

the values of the variable R, in which each R is independently a C<sub>1</sub>- to C<sub>8</sub>-alkyl group or a C<sub>2</sub>- to C<sub>6</sub>-alkenyl group, are supported in the specification and do not constitute new matter in the instant claims 18-30.

**Rejection Under 35 U.S.C. §112, Second Paragraph**

Claims 18-30 are rejected as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention. According to the Examiner, it is not clear whether Boron is attached directly to the alkenyl group.

In the structure in claims 18 and 25, the boron is directly attached the alkene group. The "wavy" line is used to indicate that the boron group is attached to form either the cis or trans isomer. The use of a wavy line to denote either the cis or trans isomer is well known in the art and would be readily understood by one with ordinary skill in the art.

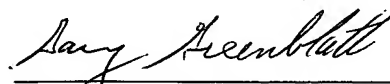
**Conclusion**

Applicants respectfully request withdrawal of the rejections of Claims 18-30 under 35 U.S.C. §112, First Paragraph and Second Paragraph; and allowance of the pending claims of this application.

The Examiner is invited to contact the undersigned if it is believed a telephonic communication would expedite the prosecution of this application.

In the event that the Commissioner determines any extra fee to be due, please charge any necessary additional fees (or credit any overpayment) to the Assignee's Deposit Account No. 19-3880.

Respectfully submitted,



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